

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VIRGINIA MARTINEZ-CHAVEZ,

Plaintiff,

v.

No. 18-cv-0147 SCY/SMV

**WAL-MART STORES EAST INC. and
THOMAS CARROLL,**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiff filed her Complaint in state court on September 8, 2017. [Doc. 1-1] at 2–4. Defendant Wal-Mart Stores East, Inc., removed the case to this Court on February 13, 2018. [Doc. 1]. Plaintiff had 90 days from filing of the Notice of Removal, or until May 14, 2018, to effect service of process on Defendant Carroll. *See* Fed. R. Civ. P. 4(m) (deadline for service is 90 days) (2015); *Wallace v. Microsoft Corp.*, 596 F.3d 703, 706–07 (10th Cir. 2010) (time to effect service of process begins to run once case is removed to federal court). There is no indication on the record that service of process has been effected with respect to Defendant Carroll.

IT IS THEREFORE ORDERED that Plaintiff show good cause why her claims against Defendant Carroll should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiff must file her response no later than **June 5, 2018**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge